



UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER 067754,716	FILING DATE 07/15/85	FIRST NAMED APPLICANT SILVESTRINI	ATTORNEY DOCKET NO. PC 6794A
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EXAMINER HOWARD DO	
ART UNIT 113	PAPER NUMBER 3

DATE MAILED: 10/24/85

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined Responsive to communication filed on _____ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892. 2. Notice re Patent Drawing, PTO-948.
3. Notice of Art Cited by Applicant, PTO-1449. 4. Notice of informal Patent Application, Form PTO-152
5. Information on How to Effect Drawing Changes, PTO-1474 6.

Part II SUMMARY OF ACTION

1. Claims 18/20 are pending in the application.

Of the above, claims _____ are withdrawn from consideration.

2. Claims _____ have been cancelled.

3. Claims _____ are allowed.

4. Claims 18/20 are rejected.

5. Claims _____ are objected to.

6. Claims _____ are subject to restriction or election requirement.

7. This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.

8. Allowable subject matter having been indicated, formal drawings are required in response to this Office action.

9. The corrected or substitute drawings have been received on _____. These drawings are acceptable; not acceptable (see explanation).

10. The proposed drawing correction and/or the proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been approved by the examiner. disapproved by the examiner (see explanation).

11. The proposed drawing correction, filed _____, has been approved. disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.

12. Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has been received not been received been filed in parent application, serial no. _____; filed on _____.

13. Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.

14. Other

The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Claims 1 to 8 and 11 to 20 are rejected under 35 U.S.C. 103 as being unpatentable over Northey (3,359,983) or Listner (3,630,205).

Claims 1 to 20 are rejected under 35 U.S.C. 103 as being unpatentable over Glick (3,565,077).

Each of the prior art references teach a sterile surgical suture comprising a filament of a polymer of the type set forth in the instant claims. While the references do not specifically state that the filament is a "hard elastic" filament, it has the same properties as that of the instant claims and was prepared in that same manner. Therefore, the "hard elastic" properties would inherently be there whether recognized or not. The claimed invention is deemed to

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be prima facie obvious in view of the filament sutures taught in the references of record.

Any inquiry concerning this communication should be directed to J. Howard at telephone number 703-557-2517.

Howard:ces
09/30/85

J. Howard
JACQUELINE V. HOWARD
PRIMARY PATENT EXAMINER
ART UNIT 118